



**DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

Promoting the wise use of land

MEETING DATE November 7, 2016	CONTACT/PHONE James Caruso (805)781-5702 jcaruso@co.slo.ca.us	APPLICANT Serenade Homes	FILE NO. COAL15-0028 SUB2014-00065
SUBJECT A request by SERENADE HOMES LLC for a Lot Line Adjustment /Coastal Development Permit (SUB2014-00065 / COAL15-0028) to adjust the lot lines between two (2) parcels of 98.5 acres and 31.8 acres, resulting in two (2) parcels of 73.3 acres and 54.6 acres. The project will not result in the creation of any additional parcels. The project site is within the Rural Lands land use category and is within the Coastal Zone. The lots are located along Avila Beach Drive approximately ¼ mile west of Ontario Road in the San Luis Bay Planning Area east of the community of Avila Beach.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL15-0028 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption].			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION Local Coastal Plan Area, Geologic Study Area, Sensitive Resource Area, Archaeologically Sensitive Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 076-231-069 and 076-231-070	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Local Coastal Plan, Archaeologically Sensitive Area, Sensitive Resource Area, Geologic Study Area			
LAND USE ORDINANCE STANDARDS: Section 21.02.030 – Lot Line Adjustments Section 23.04.025 – Minimum Parcel Size – Rural Lands Category Section 23.07.104 – Archaeologically Sensitive Area Section 23.07.170 – Environmentally Sensitive Habitat Area			
EXISTING USES: Mostly undeveloped, two old abandoned buildings, and oak trees.			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Rural Lands / Residences <i>East:</i> Recreation / Avila Barn <i>South:</i> City of Pismo Beach / Top of Ontario Ridge / Vacant land and Single Family Residences <i>West:</i> Open Space / Dense Oak Woodland and Public trails			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Avila CSD, U.S. Fish and Wildlife, Coastal Commission, Community Liaison, Native American Heritage Commission, Avila Valley Advisory Council	
TOPOGRAPHY: Moderately sloping to Very steeply sloping	VEGETATION: Dense coverage of Oak Trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire, Avila CSD	ACCEPTANCE DATE: September 30, 2016

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two (2) legal parcels as follows:

PARCEL	EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
1	31.8	54.6
2	98.5	73.3

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county’s zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to allow for both parcels to have sections of minor sloping land for construction of residential buildings on both lots. This change will also result in more equal sized parcels. Therefore, the adjustment will maintain a position which is better than the existing situation relative to the county’s Coastal Zone Land Use Ordinance.

SAN LUIS BAY AREA PLAN

The proposed project site is located in the San Luis Bay Planning Area. The site is also located in the Ontario Ridge Sensitive Resource Area (SRA). The SRA requires an open space agreement for lands on the “slopes of Ontario Ridge”. The project has been conditioned to record such an agreement.

The proposed project is affected by three planning area standards for the Rural Lands land use category. These standards require development plan approval for new development, open space preservation and limitations of allowed uses:

1. Permit Requirement. Development Plan approval is required for all uses adjacent to Avila Road or Cave Landing Road.

Future development shall require Development Plan approval.

2. Open Space Preservation. New development proposals are to include provisions for guaranteeing preservation of the steep wooded slopes south of Avila Road extending to Ontario Ridge. Guarantees of open space preservation may be in the form of agreements, easements, contracts or other appropriate instrument, provided that such guarantee is not to grant public access unless desired by the property owner.

The project has been conditioned to record an open space agreement.

3. Limitation on Use. Uses allowed by Coastal Table O, Part I of the Land Use Element shall be limited to: agricultural accessory structures; animal raising and keeping; crop production and grazing; nursery specialties; specialized animal facilities; residential accessory uses; single family dwellings; temporary dwellings; accessory storage; pipelines and power transmission; rural sports and group activities; coastal accessways; and water wells and impoundment.

No specific development beyond the proposed lot line adjustment is proposed at this time. Future land uses shall be limited to those allowed by this Planning Area Standard.

COASTAL ZONE LAND USE ORDINANCE

The site is located in a Sensitive Resource Area and an Environmentally Sensitive Habitat Area (ESHA) consisting of wetlands and coastal streams. Sensitive Resource Area findings require the development to not significantly affect the resource:

1. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
2. Natural features and topography have been considered in the design and siting of all proposed physical improvements.
3. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
4. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

The proposed lot line adjustment creates building areas on each resultant parcel located in areas under 20% slope, outside the 100 foot setbacks from wetlands (see below) and at least 50 feet from the edge of riparian vegetation along on site coastal streams.

Projects located in ESHA require additional findings:

1. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
2. The proposed use will not significantly disrupt the habitat.

The resulting parcels will direct development to the lower area of the site where slopes are under 20% and adequate setbacks from ESHA can be maintained.

Wetland Setbacks

CZLUO section 23.07.172 requires development to be set back at least 100 feet from wetlands. The building areas identified on each proposed parcel will provide sufficient area for all development to meet this setback.

The location of ESHA such as wetlands and coastal streams are based on both a recent biological report and the information contained in the Final EIR prepared for an earlier project on the site. Areas of additional ESHA were identified in the 2004 project Final EIR prepared for this site. Proposed ESHA setbacks area based on both the recent biological report and the earlier Final EIR work. The use of the 2004 data assures that any area that may have supported ESHA in the recent past will continue to be protected.

Government Code Section 66412(d) – Lot Line Adjustments

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels (*Senate Bill 497*). In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan.

TITLE 21

The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. As noted above, parcel one will increase in size from 31.8 acres to 54.6 acres and parcel two will decrease in size from 98.5 acres to 73.3 acres. Although the parcel sizes are currently below minimum parcel size as set through the General Plan and will remain so after the adjustment, the proposed parcels will be an improvement because the new configurations allow for more environmentally sensitive building sites and more nearly equalized parcel sizes. Staff has concluded that the adjustment is consistent with both state and local law.

COASTAL PLAN POLICIES:

Shoreline Access: Policy No(s): 1
Recreation and Visitor Serving: N/A
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: Policy No(s): 1
Agriculture: N/A
Public Works: Policy No(s): 1
Coastal Watersheds: N/A
Visual and Scenic Resources: Policy No(s): 1
Hazards: Policy No(s): 7
Archeology: N/A
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access

Policy 1: Protection of Existing Access. Development shall not interfere with the public's right of access to the sea.

Staff Response: The proposed project complies with this policy. The project will not prevent shoreline access via the public Ontario Ridge Trail.

Environmentally Sensitive Habitats

Policy 1: Land Use Within or Adjacent to Environmentally Sensitive Habitats. New development within or adjacent to locations of environmentally sensitive habitats shall not significantly disrupt the resource.

Staff Response: The proposed project complies with this policy. No sensitive resources will be disrupted by the adjustment of the parcel lines and establishment of the proposed building envelopes.

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff Response: The proposed project complies with this policy. The applicant has shown that future development will have adequate private on-site water and waste disposal systems.

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.

Staff Response: The proposed project complies with this policy. The sensitive habitat within the parcels will not be affected by the lot line adjustment and development within the proposed building envelopes.

Hazards

Policy 7: Geologic Study Area Combining Designation. The GSA combining designation in coastal areas of the county is amended to include all coastal bluffs and cliffs greater than 10 feet in vertical relief and that are identified in the Assessment and Atlas of Shoreline Erosion as being critical to future or present development.

Staff Response: The proposed project is located within the Geologic Study Area Combining Designation due to the steeply sloping land. With the new parcel configurations geologic hazards can be lessened since building areas will be on less steep areas of each parcel.

PARKS AND RECREATION ELEMENT

The County General Plan Parks and Recreation Element identifies a future trail along Ontario Ridge (Table A2). The 25 foot wide proposed trail alignment is on the project site at the top elevation of the property. All future residential development will be located at the lowest portion of the site and will have no effect on the trail. A condition of approval has been included to require this trail dedication.

AVILA VALLEY ADVISORY COMMITTEE

AVAC unanimously supported the proposed lot configuration as better than the existing lot configuration (see attached letter).

LEGAL LOT STATUS:

The *number of existing* lots were legally created **by deed** at a time when that was a legal method of creating lots.

Staff Report prepared by James Caruso, Senior Planner and reviewed by Terry Wahler, Senior Planner